

UNITED STATES BANKRUPTCY COURT  
FOR THE WESTERN DISTRICT OF THE STATE OF TEXAS

IN RE:  
Jary M Ganske and Shirley B Ganske,

DEBTOR

)  
) Case No. 04-62843  
) (Chapter 7)  
)  
)

FILED  
FEB 01 2010  
U.S. BANKRUPTCY COURT  
BY JB DEPUTY

APPLICATION FOR ORDER DIRECTING PAYMENT  
OF FUNDS TO CREDITOR/CLAIMANT PURSUANT TO  
11 U.S.C. SECTION 347 AND 28 U.S.C. SECTIONS 2041 ET. SEQ.

Diversified Financial Systems, L.P. successor by merger to WAMCO 32, LTD. (the  
"Claimant") a claimant in the captioned case respectfully requests as follows:

1. Claimant was a creditor of the Debtor and was due to receive and the trustee did, in fact, make a distribution from the estate to the Claimant in the amount of approximately \$1,566.69. The Claimant was not located due to the fact that there was a merger into Diversified Financial Systems, L.P. and the funds of the Claimant were paid into the Court pursuant to 11 U.S.C. § 347.

2. Pursuant to 11 U.S.C. § 347 and chapter 129 of title 28, United States Code, the Claimant requests that the Court issue an order directing payment to the Claimant and that payment be made in care of the party set forth below.

WHEREFORE, Claimant requests that the Court issue an order directing payment of all funds held by the Court for the Claimant in this case and for such further and other relief as is just and appropriate.

Diversified Financial Systems, L.P.  
successor by merger to WAMCO 32, LTD.  
(FID# 74-2920804)

By: J. Armstrong Duffield  
J. Armstrong Duffield  
3855 S. Boulevard, Suite 200  
Edmond, OK 73013  
(405) 341-9001

**LIMITED POWER OF ATTORNEY**

Diversified Financial Systems, L.P. ("Principal") successor by merger to WAMCO 32, Ltd, executes this Limited Power of Attorney with the intention that the attorney-in-fact named below shall be able to act in its place for the purposes and duration set forth below.

Principal appoints J. Armstrong Duffield of American Property Locators, Inc., 3855 South Boulevard, Suite 200, Edmond, OK 73013 to be its attorney-in-fact to act for it in its name and place, and in any capacity that Principal might act,

**ONLY to recover cash or cash equivalents specifically arising from Jary M. Ganske and Shirley B. Ganske bankruptcy, that belong to the Principal in the amount of \$1,566.69 and may be paid to the Principal after compliance with procedures of applicable laws (the "Unclaimed Funds").**

This Limited Power of Attorney shall become effective on the date written below, and shall remain effective, for 120 days from such date or until the Unclaimed Funds are claimed and remitted to Principal, whichever is sooner.

Principal's attorney-in-fact shall have all the powers, discretions, elections, and authorities granted by law (including the endorsement of any instrument of payment on behalf of Principal) in connection with the claim, execution, acknowledgment, and delivery of any and all documents necessary or connected with claiming and recovering for Principal the Unclaimed Funds. Principal authorizes the use of a photocopy of this Limited Power of Attorney, for any purpose, in lieu of the original.

DATED this 4<sup>th</sup> day of January, 2010.

**PRINCIPAL:**

Diversified Financial Systems, L.P.,  
successor by merger to WAMCO 32, Ltd.  
Federal ID # 74-2920804  
By: DFC Asset Corp., general partner

By: [Signature]  
William A. McDonald  
Title: Senior Vice President

**PRINCIPAL'S ADDRESS:**

Diversified Financial Systems, L.P.  
c/o FirstCity Servicing Corporation  
6400 Imperial Drive  
Waco, TX 76712  
(254) 761-2862

**ACKNOWLEDGMENT**

STATE OF TEXAS )

COUNTY OF McKENNA )

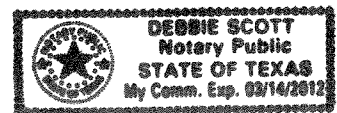
Before me a Notary Public, in and for said County and State on this 4 day of January, 2010 personally appeared William A McDonald to me known to be the identical person who subscribed his/her name to the foregoing instrument as the Senior Vice President of DFC Asset Corp., general partner of Diversified Financial Systems, L.P., successor by merger to WAMCO 32, Ltd.; and acknowledged to me that he/she executed the same as his/her free and voluntary act and deed of such corporation, for the purposes therein set forth.

In Witness Whereof, I have hereunto set my official signature and affixed my official seal the day and year first above written.

My Commission Expires:

3/17/2012

[Signature]  
Notary Public



**UNITED STATES BANKRUPTCY COURT  
WESTERN DISTRICT OF TEXAS**

In re: **Jary M. Ganske and  
Shirley B. Ganske**  
\_\_\_\_\_**Debtors**\_\_\_\_\_ /

**Case No. 04-62843  
Chapter 7**

**AFFIDAVIT OF CLAIMANT**

I, William A. McDonald, am (indicate status of claimant)

( ) the individual creditor (or authorized personal representative of the individual creditor) in whose name funds were deposited with the court who has granted a power of attorney to \_\_\_\_\_, a "funds locator" or attorney to submit an application to withdraw unclaimed funds on my behalf; or

( ) the duly authorized representative for the claimant "business"  
\_\_\_\_\_; or

( ) the debtor claiming funds deposited in the name of a creditor in my case who has granted a power of attorney to \_\_\_\_\_, a "funds locator" or attorney, to submit an application on my behalf; or

(X) the Senior Vice President of DFC Asset Corp., the sole general partner of Diversified Financial Systems, L.P. ("DFS"), successor by merger to WAMCO 32, Ltd., who has granted a power of attorney to J. Armstrong Duffield of American Property Locators, Inc., a "funds locator" or attorney, to submit an application to withdraw unclaimed funds on behalf of DFS;

and DFS is seeking payment of unclaimed funds in the amount of \$ 1,566.69 deposited in this court in the name of WAMCO 32 and representing claim number 13 (if no claim was filed write "scheduled" in blank space).

2. Claimant History: Substantiate claimant's right to funds, including but not limited to documents relating to sale of company, i.e. purchase agreements and/or stipulation by prior and new owner as to right of ownership of funds. Attach certified copies of all necessary documentation, including those which establish the chain of ownership of the original corporate claimant. Also attach a copy of an official government photo ID to prove your identity.

3. I (or the "business" I represent as claimant) have neither previously received remittance for these funds nor have contracted with any other party other than the person named as a "funds locator" or attorney in paragraph one above to recover these funds.

I hereby certify that the foregoing statements are true and correct to the best of my knowledge and belief.

Diversified Financial Systems, L.P.  
By: DFC Asset Corp., general partner

Dated: 1-4-2010

William A. McDonald

Signature of claimant or representative of "business" claimant

William A. McDonald  
Printed Name

Senior Vice President  
Title

0804

Last Four Digits of Social Security # or Tax ID# (EIN#)  
(Note: attach a copy of an official government photo ID such as a driver's license or passport")

c/o FirstCity Servicing Corporation  
6400 Imperial Drive, Waco, TX 76712  
Address

254-761-2862  
Phone Number

N/A  
Signature of joint debtor (if applicable)

N/A  
Printed Name

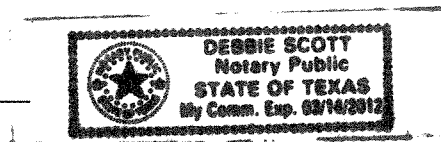
N/A  
Last Four Digits of Social Security # or Tax ID# (EIN#)

Sworn to and Subscribed before me  
on January 4, 2010.

Debbie Scott

**NOTARY PUBLIC, AT LARGE**

**STATE OF** Texas





**William McDonald**  
Senior Vice President

(254) 761-2824 Direct  
(254) 761-2954 Fax  
(800) 247-4274 Toll Free

E-mail: [wmcDonald@fcfc.com](mailto:wmcDonald@fcfc.com)  
Website: [www.fcfc.com](http://www.fcfc.com)

6400 Imperial Drive  
Waco, Texas 76712

P.O. Box 8216  
Waco, Texas 76714-8216

Corporations Section  
P.O.Box 13697  
Austin, Texas 78711-3697



Hope Andrade  
Secretary of State

## Office of the Secretary of State

### CERTIFICATE OF MERGER

The undersigned, as Secretary of State of Texas, hereby certifies that a filing instrument merging

WAMCO XX, Ltd.  
Domestic Limited Partnership (LP)  
[File Number: 7127410]

WAMCO 32, Ltd.  
Domestic Limited Partnership (LP)  
[File Number: 800256028]

Into

DIVERSIFIED FINANCIAL SYSTEMS, L.P.  
Domestic Limited Partnership (LP)  
[File Number: 11959210]

has been received in this office and has been found to conform to law.

Accordingly, the undersigned, as Secretary of State, and by the virtue of the authority vested in the secretary by law, hereby issues this certificate evidencing the acceptance and filing of the merger on the date shown below.

Dated: 10/30/2009

Effective: 11/01/2009 @ 12:01 a.m.



A handwritten signature in cursive script, appearing to read "Hope Andrade".

Hope Andrade  
Secretary of State

FILED  
In the Office of the  
Secretary of State of Texas

OCT 30 2009

**CERTIFICATE OF MERGER OF  
WAMCO 32, LTD. AND WAMCO XX, LTD. Corporations Section  
WITH AND INTO DIVERSIFIED FINANCIAL SYSTEMS, L.P.**

The undersigned general partners of WAMCO 32, Ltd., a Texas limited partnership ("WAMCO 32") and WAMCO XX, Ltd., a Texas limited partnership ("WAMCO XX"), (collectively, the "Merging Partnerships"), and Diversified Financial Systems, L.P., a Texas limited partnership ("DFS"), (DFS and the Merging Partnerships are collectively referred to in this Certificate of Merger as the "Partnerships"), hereby execute this Certificate of Merger on behalf of the Partnerships, which is being filed with the Secretary of State of the State of Texas in accordance with Chapter 10 of the Texas Business Organizations Code.

1. The plan of merger is as follows:

(a) **Merger.** The Merging Partnerships shall hereby merge with and into DFS (the "Merger"). DFS shall be the surviving limited partnership.

(b) **Effective Date.** The Merger shall become effective at 12:01 a.m. central standard time on November 1, 2009 (the "Effective Date").

(c) **Effect of Merger.** The Merger shall have the effect set forth in Chapter 10 of the Texas Business Organizations Code. As of the Effective Date, the separate existence of the Merging Partnerships shall cease. DFS shall carry on business with the property of the Partnerships as those limited partnerships existed immediately prior to the Merger. All rights, title and interest to all real estate and other property owned by the Merging Partnerships shall be allocated to and vested in DFS without reversion or impairment, without further act or deed, and without any transfer or assignment having occurred, but subject to any existing liens or other encumbrances thereon. All liabilities and obligations of the Merging Partnerships shall be allocated to DFS and DFS shall be the primary obligor therefor. A proceeding pending by or against the Merging Partnerships may be continued as if the Merger did not occur and DFS may be substituted in the proceeding.

(d) **No Liability of Limited Partners.** No limited partner of the Partnerships shall, as a result of the Merger, become personally liable for the liabilities or obligations of the Partnerships or any other person or entity.

(e) **Certificate of Partnership and Amended and Restated Limited Partnership Agreement.** The certificate of partnership of DFS in effect as of the Effective Date shall remain the certificate of partnership of DFS without any modification or amendment by the Merger. As of the Effective Date, the limited partnership agreement of DFS, as amended and restated, shall be the limited partnership agreement of DFS.

(f) **General Partner.** DFC Asset Corp., a Texas corporation, shall remain the sole general partner of DFS.

(g) **Conversion of Partnership Interests.** As of the Effective Date: (i) each 1% partnership interest in DFS shall be converted to a .3075 % partnership interest in DFS; (ii) each 1%

partnership interest in WAMCO 32 shall be converted to a .5414% partnership interest in DFS; and  
(iii) each 1% partnership interest in WAMCO XX shall be converted into a .1511% partnership interest in DFS.

(h) A signed plan of merger is on file at the principal place of business of DFS, 6400 Imperial Drive, Waco, Texas 76712.

(i) On written request, a copy of the plan of merger will be furnished without cost by DFS to any partner of the Merging Partnerships.

2. The plan of merger has been approved and duly authorized as required by the laws of the jurisdiction of formation of the Partnerships and by governing documents of the Partnerships. The plan of merger has been furnished to each partner of WAMCO 32, WAMCO XX and DFS at least 20 days before the merger is effective or such partners have waived such 20 day period.

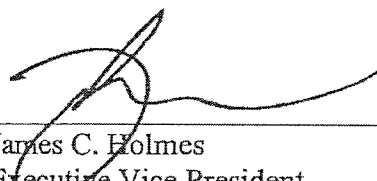
3. In lieu of providing the tax certificate, DFS will be liable for the payment of the required franchise taxes.

The undersigned signs this document subject to the penalties imposed by law for the submission of a materially false or fraudulent instrument. The undersigned certifies that the statements contained herein are true and correct, and that the person signing is authorized under the provisions of the Texas Business Organizations Code, or other law applicable to and governing the Partnerships, to execute the filing instrument.

EXECUTED this 23 day of October, 2009.

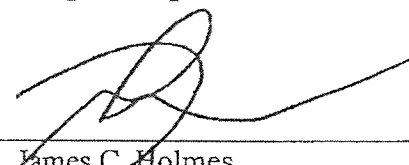
**WAMCO 32, LTD.**

**BY: WAMCO 32 of Texas, Inc.,  
its general partner**

By:   
James C. Holmes  
Executive Vice President

**WAMCO XX, LTD.**

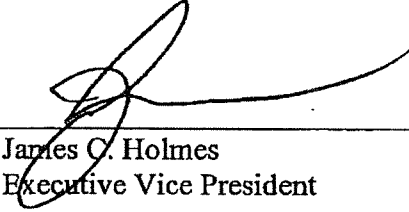
**BY: WAMCO XX of Texas, Inc.,  
its general partner**

By:   
James C. Holmes  
Executive Vice President



**Diversified Financial Systems, L.P.**  
**BY: DFC Asset Corp., its general partner**

By: \_\_\_\_\_

  
James C. Holmes  
Executive Vice President

**Certificate of Authority to Act for  
Diversified Financial Systems, L.P., successor by merger to WAMCO 32, Ltd.**

I, the undersigned, **Lotte D. Bostick**, as Secretary of DFC Asset Corp., general partner of Diversified Financial Systems, L.P. successor by merger to WAMCO 32, Ltd., do hereby certify that **William A. McDonald** has the authority to act on behalf of DFC Asset Corp., general partner for Diversified Financial Systems, L.P., successor by merger to WAMCO 32, Ltd., in all matters for Diversified Financial Systems, L.P. successor by merger to WAMCO 32, Ltd. including, without limitation, the recovery of unclaimed funds arising from bankruptcy matters.

IN WITNESS HEREOF, I have hereunto signed my name this 4<sup>th</sup> day of JANUARY, 2010.

Diversified Financial Systems, L.P., successor by merger to WAMCO 32, Ltd.

By: DFC Asset Corp., general partner

By: Lotte D. Bostick  
Lotte D. Bostick  
Secretary

**AFFIX CORPORATE SEAL**

If corporate Seal is unavailable, sign affidavit below:

**BE IT ACKNOWLEDGED,**

That the undersigned hereby says under oath that the corporate seal for this corporation is unavailable.

Diversified Financial Systems, L.P.

By: DFC Asset Corp., general partner

By: Lotte D. Bostick  
Lotte D. Bostick  
Secretary

**Notary Acknowledgment**

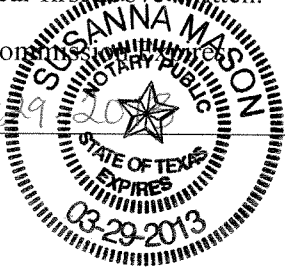
STATE OF TEXAS )

COUNTY OF McLENNAN )

Before me, the undersigned a Notary Public, in and for said County and State on this 4<sup>th</sup> day of JANUARY, 2010, personally appeared **Lotte D. Bostick** to me known to be the identical person who subscribed his/her name to the foregoing instrument, as the Secretary of DFC Asset Corp., general partner of Diversified Financial Systems, L.P., and acknowledged to me that he/she executed same as his/her free and voluntary act and deed of such corporation, for the purposes therein set forth.

In Witness Whereof, I have hereunto set my official signature and affixed my official seal the day and year first above written.

My Comm. Expires  
03-29-2013



Notary

Susanna Mason

UNITED STATES BANKRUPTCY COURT  
WESTERN DISTRICT OF TEXAS  
WACO DIVISION

In re:  
JARY M. GANSKE  
SHIRLEY B. GANSKE  
DEBTORS

§  
§  
§

Case No. 04-62843

Chapter 7

**FILED**

FEB 10 2009

**CHAPTER 7 TRUSTEE'S**  
**DEPOSIT OF SMALL OR UNCLAIMED DIVIDENDS**

U.S. BANKRUPTCY COURT  
BY [Signature] DEPUTY

The undersigned trustee reports:

       The dividend(s) payable to the creditor(s) listed on Exhibit "A" hereto is(are) in an amount less than the amount specified in Bankruptcy Rule 3010.

  X   More than ninety (90) days have passed since the final distribution, and the dividend(s) payable to the creditor(s) listed on Exhibit "A" remain unclaimed.

Therefore, pursuant to Bankruptcy Rule 3010 or 3011, as applicable, and 11 U.S.C. § 347(a), the undersigned trustee remits herewith his check(s) in the total amount shown on said Exhibit "A" for deposit into the United States Treasury, pursuant to Chapter 129 of Title 28 (28 U.S.C. § 2041, et seq.).

Dated: January 29, 2009

[Signature]  
William A. Frazell  
Chapter 7 Trustee  
PO Box 28249  
Austin, TX 78755-8249

**CERTIFICATE OF REVIEW**

I have reviewed the trustee's Deposit of Small or Unclaimed Dividends.

UNITED STATES TRUSTEE

Dated: 2/3/09

by: [Signature]  
Paralegal Specialist

**EXHIBIT "A"**

PLEASE CHECK ONE:

\_\_\_\_\_ Small Dividends

**X** Unclaimed Dividends

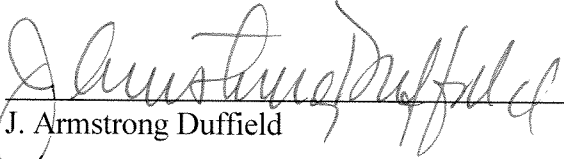
<b>Claim #</b>	<b>Name &amp; Address of Claimant</b>	<b>Claim Amount</b>	<b>Dividend Amount</b>
2	Chase Manhattan Bank USA, N.A. P.O. Box 52176 Phoenix, AZ 85072-2176	\$14,179.67	\$2,015.95
13	WAMCO 32 5076 Wayzata Blvd., Suite 270 Golden Valley, MN 55416	\$11,019.67	\$1,566.69

TOTAL AMOUNT \$3,582.64

CERTIFICATE OF MAILING

I hereby certify that on January 25, 2010 I have mailed a true and correct copy of the foregoing APPLICATION FOR ORDER DIRECTING PAYMENT OF FUNDS TO CREDITOR/CLAIMANT PURSUANT TO 11 U.S.C. SECTION 347 AND 28 U.S.C. SECTIONS 2041 ET. SEQ. to:

United States Attorney  
Frost Bank Plaza  
816 Congress, Suite 1000  
Austin, TX 78701

  
\_\_\_\_\_  
J. Armstrong Duffield